

**FILED**

FEB - 6 2007

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

DAVID TALBOT  
327 Montcalm Street  
San Francisco, CA 94110

and

JEFFERSON MORLEY  
1804 Kenyon Street, N.W.  
Washington, D.C. 20010

v.

CENTRAL INTELLIGENCE AGENCY  
Washington, D.C. 20505

and

U.S. DEPARTMENT OF STATE  
Washington, D.C. 20520

Defendants

CASE NUMBER 1:07CV00277

JUDGE: Richard J. Leon

DECK TYPE: TRO/Preliminary Injunction

DATE STAMP: 02/06/2007

**COMPLAINT FOR INJUNCTIVE RELIEF**  
[Freedom of Information Act, 5 U.S.C. § 552, et seq.]

**JURISDICTION AND PARTIES**

1. Plaintiffs bring this action under the expedited process -ing provision of the Freedom of Information Act, 5 U.S.C. § 552(a) (6) (E).

2. Plaintiff David Talbot ("Talbot") is a journalist and the founder of Salon.com. He is author of a forthcoming book Brothers: The Hidden History of the Kennedy Years (Free Press/Simon & Schuster). He is a resident of San Francisco, California.

3. Plaintiff Jefferson Morley ("Morley") is a news editor at washingtonpost.com. He is also author of a forthcoming book, Spies

and Knaves: Win Scott and the Rise of the CIA (University Press of Kansas), a biography of Winston Scott, who was the CIA's station chief in Mexico City at the time President John F. Kennedy was assassinated. He is a resident of the District of Columbia.

4. Defendant CENTRAL INTELLIGENCE AGENCY ("CIA") is an agency of the United States Government and has possession and control of records requested by plaintiff Talbot which are the subject of this action.

5. Defendant U.S. DEPARTMENT OF STATE ("DOS") is an agency of the United States Government and has possession and control of records requested by plaintiff Morley which are the subject of this action.

#### FIRST CAUSE OF ACTION

6. By letter dated December 7, 2006, Talbot submitted a request for two categories of records pertaining to George Joannides, David Morales, and Gordon Campbell:

a. All records pertaining to temporary duty (TDY) travel during the period January-December, 1968, including but not limited to all Current Residence and Dependency Reports.

b. All photographs of George Joannides, David Morales, or Gordon Campbell, whether taken individually or in groups, including any photographs in disguise. See Exhibit 1.

7. Talbot asked that he be accorded status as a representative of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II).

8. Talbot also asked that his request be given expedited

processing in accordance with the provisions of 5 U.S.C. § 552(a)(6)(E). As grounds for his request, Talbot stated that last November BBC-TV had aired a documentary in which it reported that three former CIA officials who had worked for the Agency's JM/WAIVE station in Miami, Florida during the 1960s appeared in films taken at the Ambassador Hotel in Los Angeles the night Senator Robert F. Kennedy was assassinated. Id.

9. Talbot further stated that one of the three, David Morales, had long been the subject of speculation that he was involved in the assassination of President Kennedy, and on at least two occasions he is said to have made statements implicating himself in the President's assassination, and on one occasion the assassination of Senator Robert Kennedy as well. Id.

10. Talbot further represented that these allegations appeared to be backed by some credible witnesses and thus "raise an issue of great public urgency," noting that, "[i]f true, the implications are potentially far-ranging and explosive. If the allegations made on the BBC program are not founded in fact, the public record should be clarified to show that as soon as possible." Id.

11. Talbot noted that the allegations aired in the British documentary were also the subject of an article in The Guardian and that the Baltimore Chronicle ran a lengthy piece by a British historian calling for a reopening of both the JFK and RFK assassinations. He attached copies of these two articles to his request. See Exhibit 1.

4

12. Additionally, Talbot pointed out that the BBC program had generated significant online discussion in the comment boards for both The Guardian and BBC web sites. Moreover, the popular news aggregator del.icio.us.com reported that 57 people stored the story for future reference. Looking at the site's daily rankings, this indicates that the BBC allegations are probably among the five or ten most referenced Web articles. Id., citing <http://del.icio.us/popular/?new> of recent weeks.

13. By letter dated December 15, 2006, Mr. Scott Koch ("Koch"), Information and Privacy Coordinator of the CIA, responded to Talbot's request. He asserted that two former clients of Talbot's attorney had failed to pay search fees for requests they submitted in 1995 and 1999. He alleged that because of this, CIA regulations prevented the Agency from accepting Talbot's request. He further stated that upon payment of the sum owed, Talbot's request could be resubmitted. See Exhibit 2.

14. By letter dated December 23, 2006, Mr. James H. Lesar, Talbot's counsel, sent the CIA a check for the fees owed by his former clients. See Exhibit 3.

15. By letter dated January 12, 2007, Talbot resubmitted his request via facsimile. In this letter his counsel informed the CIA that Talbot and another reporter had signed a contract to do a story for The New Yorker magazine "which will report on the claim made on BBC-TV that three CIA officers connected to [the CIA's] JM/WAVE station were present at the Ambassador Hotel in Los Angeles the night Senator Robert F. Kennedy was assassinated. He also

5

stated that they had a March 1, 2007 deadline for submitting their story to The New Yorker. See Exhibit 4.

16. By letter dated January 23, 2007, the CIA advised Talbot that it was denying his request for expedited processing of his request, asserting that it "does not demonstrate a 'compelling need'" under its regulations. See Exhibit 5.

17. No further correspondence has been exchanged between the parties.

18. Plaintiff has exhausted his administrative remedies.

19. Plaintiff has a legal right under the FOIA to have defendant expedite the processing of his request and there is no legal basis for its denial of said right.

20. Plaintiff is entitled to status as a representative of the news media and there is no basis for defendant's denial of said right.

SECOND CAUSE OF ACTION

21. Plaintiff Morley realleges paragraphs 1-5 and 18-20 above and incorporates them herein by reference.

22. By letter dated January 12, 2007, Morley submitted a request to the Department of State for "all passport and visa records pertaining to Mr. George Joannides for the years 1963-1964 and 1967-1968. He requested expedited processing of his request pursuant to 5 U.S.C. § 552(A)(6)(E). See Exhibit 6 (attachments omitted as they duplicate those appended to Talbot's December 7, 2007 request).

6

23. DOS received Morley's request on January 18, 2007. See Exhibit 7.

24. In support of his demand for expedited processing, Morley stated the same facts and justifications as are set forth in paragraphs 9-13 above, and these are incorporated herein by reference. Id.

25. No response from DOS has been received to date.

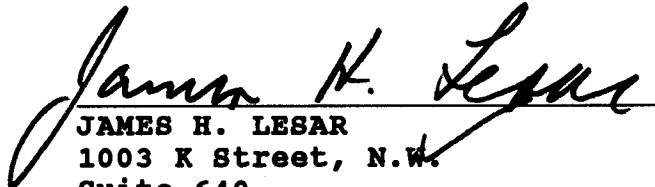
WHEREFORE, plaintiffs pray that this Court:

(1) order defendants CIA and DOS to expedite the processing of their request;

(2) order defendants CIA and DOS to grant plaintiffs status as representatives of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II);

(3) award plaintiffs reasonable attorney's fees and costs as provided in 5 U.S.C. § 552((a)(4)(E); and

(4) grant such other and further relief as the Court may deem just and proper.

  
JAMES H. LESAR  
1003 K Street, N.W.  
Suite 640  
Washington, D.C. 20001  
Phone: (202) 393-1921

Counsel for Plaintiffs

DATED: February 6, 2007